



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,513	03/01/2004	Anthony Uy	064706-0038	1072

33401 7590 08/18/2009
MCDERMOTT WILL & EMERY LLP
2049 CENTURY PARK EAST
38th Floor
LOS ANGELES, CA 90067-3208

EXAMINER

LOVEL, KIMBERLY M

ART UNIT	PAPER NUMBER
----------	--------------

2167

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

08/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto33401@mwe.com

Office Action Summary	Application No. 10/790,513	Applicant(s) UY ET AL.	
	Examiner KIMBERLY LOVEL	Art Unit 2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,9,16,22,38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1, 5, 9, 16, 22, 38 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to the Amendment filed on 4 June 2009.
2. Claims 1, 5, 9, 16, 22, 38 and 39 are currently pending. In the Amendment filed 4 June 2009, claims 1, 5, 9, 16 and 22 are amended; claims 38 and 39 are new; and claims 2-4, 6-8, 10-15, 17-21 and 23-27 are canceled.
3. The previous prior art rejections of claims 1, 5, 9, 16, 22, 38 and 39 are withdrawn as necessitated by Applicant's Amendment.

Miscellaneous

4. It is noted that in the amended set of claims submitted 4 June 2009, the status of claim 9 is stated as being previously amended. However, since the claim contains amendments, the status should state currently amended.

Specification

5. The abstract of the disclosure is objected to because the abstract utilizes the language "is disclosed" in line 1.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Claim Objections

6. Claims 1 and 16 are objected to because of the following informalities:

Claim 1, lines 11-12 recites the limitation "a broker database containing information relating to the entry packets in a form that may be electronically compared." The phrase "may be" is considered to represent optional language. It is suggested that the phrase be replaced with the word "is."

Claim 16, lines 15-16 recites the same limitation as claim 1 and therefore is objected to on the same grounds.

Appropriate correction is required.

Allowable Subject Matter

7. The following is a statement of reasons for the indication of allowable subject matter:

In the Examiner's Non-Final Office Action dated 7 January 2009, claims 1, 5, 9, 16 and 22 were rejected under 35 USC 103 based primarily on US PGPub 2002/0120561 to Chin et al, US Patent No 5,787,443 to Palmer et al and US PGPub 2005/0075955 to Milovina-Meyer et al.

The claimed invention is directed towards a method and a system for an importer

Art Unit: 2167

using a software user interface to audit entry packets submitted by a broker by comparing information in a broker database and information in scanned images received from the broker with corresponding records of the importer.

The prior art of record, Chin, Palmer and Milovina-Meyer, do not show, teach or suggest an importer performing Harmonized Tariff Schedule auditing including the combined limitations of **scanned images of entry packets relating to products imported by the importer which the customs broker assembled and submitted to U.S. customs, each entry packet including at least one commercial invoice, at least one shipping manifest, and at least one U.S. customs form which the customs broker prepared and which sets forth an HTS code and a duty; the importer linking the scanned images and the information in the broker database to corresponding records of the importer about the products in a second repository in the importer database; the importer comparing information in the scanned images with the corresponding records of the importer; and the comparing including comparing an HTS code on one of the customs forms with an HTS code with the corresponding records of the importer**, in combination with the other claimed features.

While Chin and Milovina-Meyer discloses the concept of providing customs information to interested parties through the use of an online database and email, Chin and Milovina-Meyer fail to explicitly disclose the concept of the importer receiving scanned images of the information filed by the broker. Palmer fails to overcome the deficiencies of Chin and Milovina-Meyer in regards to this limitation. While Palmer

Art Unit: 2167

discloses the auditing of data records, Palmer fails to explicitly disclose an importer comparing scanned images with records of the importer and a broker database.

Therefore, the combination of Chin, Milovina-Meyer and Palmer fail to disclose the claimed invention as a whole.

An updated search for prior art on the EAST database and on domains (NPL-Google and ACM) has been conducted. The prior art searched and investigated in the database and domains does not fairly teach or suggest the teaching of the claimed subject matter as described above and reflected by the combined elements in independent claims 1 and 16. Dependent claims 5, 9, 22, 38 and 39 are indicated as being allowable for the same reasons stated above in regards to the independent claims.

8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/Kimberly Lovel/
Examiner
Art Unit 2167

13 August 2009
/KL/

Application/Control Number: 10/790,513
Art Unit: 2167

Page 8